

**REQUEST FOR CONTINUED EXAMINATION**

Application Number: 10/583,047

Art Unit: 2837

Examiner David S. Warren

By Inventor and Applicant: Seiji Kashioka

Date: 02/25/2009

This is reply to the office action (final) on the utility patent application No. 10/583,047 sent on 11/25/2008. Claim 25 had been newly added in the previous reply from applicant (sent on 07/15/2008), and the claim received reason of rejection only one time. Even office action was final, there was no chance to argue the patentability from applicant side. Reason of late addition of Claim 25 was that it was difficult to make claim about data media. And time needed for thinking about it.

This time instead of claim 25, new claim 26 is added as deferent expression of previous claim 25.

CURRENT CLAIMS

Previously allowed Claims 11~24 have not been amended. Claim 25 has been canceled and new Claim 26 has been added this time.

REPLY TO CLAIM REJECTION – 35 USC 102

It is necessary to make clear the difference between Sitrick's "bookmark" and "special mark" in this invention, because new Claim 26 has partly same contents with Claim 25 rejected in the final office action. And your reason of rejection for Claim 25 is inherited partly to Claim 26.

Sitrick discloses the use of a bookmark. The bookmark has similar function with physical bookmark on physical book. It is used for navigate through music composition as marker of location to jump to or navigate to (col. 35, paragraph from line 40,

especially line 50). The book marks are typically attached at beginning of composition (Col.33, line 30), beginning of section in composition (col. 33 line 33). When a musician looks for location to start or jump during performing, rehearsing, or exercising, the musician can "select a specific bookmark to navigate to" (col. 35 line 50) using user input (step 609) from the candidates bookmarks shown as list, which system chooses according to current location. Effective usage of this bookmarking is specifying repeat positions, that are end and beginning of repeat section. A bookmark at end of repeat has linking information to bookmark at beginning of the section ("ID" Col.35 line 64). As other usage, during rehearsing or exercising, frequent repeat of some section is common and these bookmarks are very convenient.

This function of bookmark described in Sitrick's is for navigation or jump. Bookmarks are attached at candidates of location to jump to. Also, a bookmark is placed at the location of jump from, where some decision is necessary to choose next section. And user input is for selection of bookmark associated to locations to jump to next.

In this invention, a special mark is used to adjust internal music time by user input at the time when performance comes to location of the mark. This input provides and tells exact music time of performance. Needs of this comes from the fact that internal music time may deviate, that is, be behind or ahead from performance music time, because performance tempo varies a little each time, varies by performer. User input in this invention is to tell exact timing, and any type of simple on/off operation can be used for this purpose. Most suitable device for musician is foot switch.

In Sitrick's specification, there is no description about adjustment of internal music time said above.

As described above, "navigate" in Sitrick's is thought as different with "adjust" in this invention.

Claim 25 was described as a product in form of data media. In Claim 26, same product is combined with a method. It is like a rule of a game and its soft. Now, media in

claim 26, compared with media in Claim 25, has additional limitation to comprise tempo or duration time of beats too.

There is no teaching or suggesting in Sitrick's about method for updating music display according to internal music time, and adjusting the internal music time by user input at timing, when musician's performing comes to location of special mark, the location of marks being chosen in advance and are stored in a media.

CONCLUSION

A new claim 26 has been added as replacement of rejected claim 25.
I explained the differences between techniques of this claim and cited references. Your reconsideration is greatly appreciated.

ATTACHMENTS

Current Amended Claims

February 25, 2009

Inventor and Applicant

A handwritten signature in black ink, appearing to read 'Seiji Kashioka', with a stylized, cursive script.

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